

MRD
6/9/04

Atty Dkt No. 139141
PATENT

Stm+(305c)
6/29/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gutmark et al.

Serial No.: 10/810,142

Filed: 03/26/04

For: METHODS AND APPARATUS FOR
OPERATING GAS TURBINE
ENGINES

:
:
: Group Art Unit: Unassigned
:
: Examiner: Unassigned
:
:
:

RESPONSE TO NOTICE RE NASA

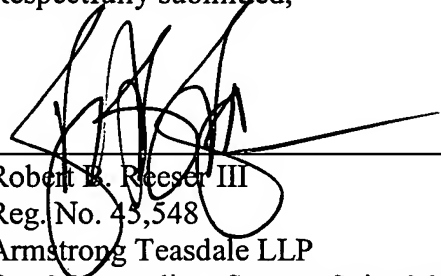
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Licensing and Review

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Sir:

In response to the Notice dated June 3, 2004 (copy attached), enclosed herewith is a Declaration Under Section 305(c) of the National Aeronautics and Space Act of 1958. This Declaration has been prepared and signed by the inventor(s), Ephraim Jeff Gutmark and Steven Martens.

Respectfully submitted,


Robert B. Reeser III
Reg. No. 45,548
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63012
(314) 621-5070

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gutmark et al. :
Serial No.: 10/810,142 : Art Unit: Unassigned
Filed: March 26, 2004 : Examiner: Unassigned
For: METHODS AND APPARATUS FOR : ATTN: LICENSING AND REVIEW
OPERATING GAS TURBINE ENGINES :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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**DECLARATION UNDER SECTION 305(c) OF THE
NATIONAL AERONAUTICS AND SPACE ACT OF 1958**

Ok
Sir:

We, Ephraim Jeff Gutmark and Steven Martens, do hereby declare:

That we are the inventors of the invention described and claimed in the above-referenced U.S. patent application;

That the invention was made while we were employed by the General Electric Company, the assignee of the subject invention, using facilities, equipment, materials, funds, information and services furnished by the General Electric Company;

That the invention set forth in the above-referenced U.S. Patent Application was not made (conceived or first actually reduced to practice) under nor is there any known relationship of the making of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration;

That all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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3-22-04
Date

Ephraim Jeff Gutmark
EPHRAIM JEFF GUTMARK

3/22/07
Date

St. M. L.
STEVEN MARTENS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gutmark et al	:	
	:	
Serial No.: 10/810,142	:	Group Art Unit: Unassigned
	:	
Filed: 03/26/04	:	Examiner: Unassigned
	:	
For: METHODS AND APPARATUS FOR	:	
OPERATING GAS TURBINE ENGINES	:	
	:	

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
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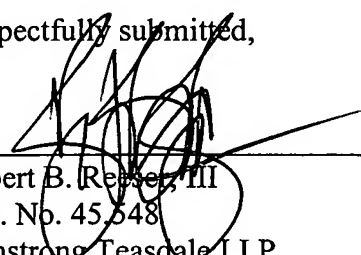
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I hereby certify that the documents listed below:

- Response to Notice re NASA (1 page)
- Declaration Under Section 305(c) of the NASA of 1958 (2 pages)
- Copy of Request for NASA Declaration (1 page)
- Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: LICENSING & REVIEW.

Respectfully submitted,



Robert B. Reser, III
Reg. No. 45,548
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One Metropolitan Square, Suite 2600
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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/810,142	03/26/04	GUTMARK, ET AL.	139141

JOHN S. BEULICK
ARMSTRONG TEASDALE LLP
SUITE 2600
ONE METROPOLITAN SQUARE
ST. LOUIS, MO 63102

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

PATENT & TRADEMARK OFFICE

MAILED

JUN 3 2004

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

- ☐ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).
- ☒ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-1191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) _____
citizens of _____
residing at _____

declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number _____ filed in the United States of America on _____
titled _____

(Check and complete either I or II below)

☐ I. *(For Inventors Employed by an Organization)* That I (we) made and conceived this invention while employed by _____. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of _____ (name of employer). Other relevant facts are _____

That to the best of my (our) knowledge and belief (and/or) based upon information provided by _____ of _____:

—OR—

☐ II. *(For Self-Employed Inventors)* That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☐ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: _____

Post Office Address: _____

Date: _____

Inventor's Signature: _____

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Date: _____